

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOYDEEP BOSE,
Plaintiff

v.

LANE'S VALLEY FORGE AVIATION, INC.;
SANDRA JUBB; and, LANE RICHARD JUBB, JR.,
Defendants

: CIVIL ACTION
:
: NO.: 2:16-cv-3924
:
:
:
:
:

ORDER

AND NOW, this 7th day of December, 2016, upon consideration of Plaintiff's counsel's Motion for Leave to Withdraw, Memorandum of Law in Support thereof, and any response thereto, it is hereby **ORDERED** that Kevin I. Lovitz, Esquire and The Lovitz Law Firm, P.C. are granted Leave to Withdraw as Counsel of record for Plaintiff. This matter shall be stayed to afford Plaintiff a reasonable amount of time within which to obtain new counsel.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOYDEEP BOSE,	:	CIVIL ACTION
Plaintiff	:	
	:	
	:	NO.: 2:16-cv-3924
v.	:	
	:	
LANE'S VALLEY FORGE AVIATION, INC.;	:	
SANDRA JUBB; and, LANE RICHARD JUBB, JR.,	:	
Defendants	:	

**MOTION FOR LEAVE TO WITHDRAW AS COUNSEL
TO PLAINTIFF, JOYDEEP BOSE**

Kevin I. Lovitz, Esquire and The Lovitz Law Firm, P.C. hereby Move for Leave of Court to Withdraw their appearance as Counsel to Plaintiff, Joydeep Bose, in the within action, and in support thereof aver the following:

1. The instant Civil Action was commenced in this Court on July 20, 2016. Plaintiff's claims arise under the Fair Labor Standards Act and the Pennsylvania Wage Payment Collection Law.
2. The undersigned counsel entered his appearance in this matter with the filing of the said action.
3. Since the commencement of this action, a fundamental disagreement has arisen between Plaintiff and the undersigned counsel with respect to the prosecution of this case. As such, the attorney-client relationship has been irreparably impaired.
4. Accordingly, Kevin I. Lovitz, Esquire and The Lovitz Law Firm, P.C., can no longer represent Plaintiff in accordance with Rule 1.16(4) and (7) of the Rules of Professional Conduct.

5. The undersigned counsel respectfully requests that the Plaintiff be afforded sufficient time within which to obtain new counsel, inasmuch as this action was commenced on July 20, 2016 and discovery has yet to begin.

WHEREFORE, Kevin I. Lovitz, Esquire and the Lovitz Law Firm, P.C. respectfully requests that this Honorable Court permit them to withdraw as counsel to Plaintiff in this matter.

Respectfully submitted,

THE LOVITZ LAW FIRM, P.C.

By: /s/ Kevin I. Lovitz, Esq.
KEVIN I. LOVITZ, ESQUIRE
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(215) 735-1996 Phone
215) 735-1515 Fax
Attorney for Joydeep Bose

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOYDEEP BOSE, Plaintiff	:	CIVIL ACTION
	:	
	:	NO.: 2:16-cv-3924
v.	:	
	:	
LANE'S VALLEY FORGE AVIATION, INC.;	:	
SANDRA JUBB; and, LANE RICHARD JUBB, JR.,	:	
Defendants	:	

**MEMORANDUM OF LAW IN SUPPORT OF MOTION
FOR LEAVE TO WITHDRAW AS COUNSEL FOR PLAINTIFF**

I. INTRODUCTION:

The instant case involves a wage collection and over-time matter which was originally commenced by Plaintiff on July 20, 2016, through the undersigned counsel. The Movant requests Leave of Court to Withdraw as counsel to Plaintiff in accordance with the Pennsylvania Rules of Professional Responsibility. The Movant believes and avers that their withdraw in this matter can be accomplished without any materially adverse effects to Plaintiff.

II. LEGAL ARGUMENT:

Pennsylvania's Rule of Professional Responsibility 1.16 (4) and (7) permit an attorney to withdraw as counsel to a plaintiff in circumstances where the client insists on taking an action with which his lawyer as a fundamental disagreement. A fundamental disagreement has arisen which has rendered the attorney-client relationship irreparably impaired. Due to these irreconcilable differences, the undersigned counsel can no longer represent Plaintiff in accordance with the Rule of Professional Conduct.

There are four factors which this Court should consider in deciding whether to grant a Motion to Withdraw, namely: (1) the reason that withdrawal is sought; (2) the prejudice withdrawal may cause to the litigants; (3) the harm withdrawal may cause to the administration of justice; and (4) the degree to which the withdrawal will delay resolution. Taylor v. Stewart, 20 F. Supp. 2d 882,883 (E.D. Pa 1998).

The undersigned counsel has provided an explanation for seeking to withdraw as counsel to Plaintiff and believes that his withdrawal will cause no prejudice to Plaintiff. An Answer was filed on November 15, 2016 and discovery has not yet commenced. No discovery schedule or trial date has been affixed. No harm will be caused to the administration of justice and the undersigned counsel's withdraw will not cause any delay in the resolution of this case.

Counsel also requests that Plaintiff be given ample opportunity to obtain alternate counsel.

III. CONCLUSION:

For the foregoing reasons, Kevin I. Lovitz, Esquire and The Lovitz Law Firm, P.C. respectfully requests permission with withdraw as counsel to the Plaintiff in this action.

Respectfully submitted,

THE LOVITZ LAW FIRM, P.C.

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